

public to drive with reasonable care.⁴ The Texas Supreme Court extended this rule to premises liability claims in *Tri v. J.T.T.*⁵

Plaintiff's theories of liability for Sam's and its store manager are identical⁶ and she fails to allege that the manager had an independent duty or unique role in causing Plaintiff's injury. Accordingly, there is "no reasonable basis for [the court] to predict that [] [P]laintiff might be able to recover against [the manager]"⁷ in state court. The manager is, therefore, improperly joined, and the court disregards his citizenship when analyzing diversity.⁸ Disregarding the store manager's Texas citizenship, the parties are completely diverse⁹ and this Court has subject matter jurisdiction. Plaintiff's motion to remand [Doc. No. 5] is **DENIED**.

SIGNED and **ENTERED** on July 13, 2024.

A handwritten signature in black ink, appearing to read 'Leon Schydlower', with a stylized, cursive-like flow.

LEON SCHYDLOWER
UNITED STATES DISTRICT JUDGE

⁴ *Id.*

⁵ *Tri v. J.T.T.*, 162 S.W.3d 552, 562 (Tex. 2005).

⁶ Doc. No. 1-1, at 6-9,

⁷ See *Smallwood*, 385 F.3d at 573.

⁸ *Advanced Indicator & Mfg. v. Acadia Ins. Co.*, 50 F.4th 469, 473 (5th Cir. 2022).

⁹ Plaintiff's argument that the removing defendants failed to establish the citizenship of the members of the limited liability company defendants fails because those citizenships are explained in paragraphs 8, 13, and 15 of the Notice of Removal. Doc. No. 1, at 2-4.